

REMARKS

In response to the Restriction Requirement dated September 9, 2003, Applicant hereby elects the invention of Group I, corresponding to Claims 1-15 and 53-66. This election is being made with traverse, however, because Applicant respectfully submits that the reason supplied for distinctiveness between Groups I and II does not appear to relate to the claimed invention. Applicant does concede, however, that the Group II and Group III claims are patentably distinct, for the reasons provided, so that the Group III claims have been withdrawn without prejudice to the filing of a divisional application.

As to the Groups I and II claims, the reason provided for distinctiveness at Page 2 of the Official Action is:

The inventions of Groups I and (II and III) are distinct because Group I only requires the accepting of data with analysis and compensation of suppliers whereas Groups (II and III) require some type of data storage for clearinghouse practice. Such clearinghouse practice requires some type of organization and accessing with search capability from what may be a large database which is not a limitation in Group I. Therefore, the undue search burden of searching these two Groups together is clearly supported. (Emphasis added.)

Applicant respectfully submits, however, that the above "requirements" of the Group II claims are not found in the Group II claims themselves. In particular, independent Claims 16 and 24, the sole independent claims in Group II, recite:

16. A method of providing bioinformatic data comprising:
 supplying bioinformatic data to a bioinformatic data clearinghouse; and
 accepting compensation from the bioinformatic data clearinghouse for the bioinformatic data, wherein the compensation is a function of use of the bioinformatic data by the bioinformatic data clearinghouse to generate bioinformatic data analysis results that are provided to at least one bioinformatic data analysis results customer, relative to use of other bioinformatic data by the bioinformatic data clearinghouse to generate the bioinformatic data analysis results that are provided to the at least one bioinformatic data analysis results customer.

24. A system for processing bioinformatic data comprising:
 a plurality of bioinformatic data suppliers;

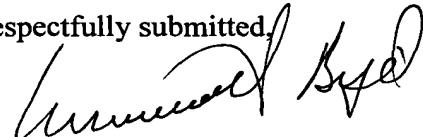
at least one bioinformatic data analysis results customer;
and

a bioinformatic data clearinghouse that is configured to accept bioinformatic data from the plurality of bioinformatic data suppliers, to analyze a subset of bioinformatic data to generate bioinformatic data analysis results, to provide the bioinformatic data analysis results to the at least one bioinformatic data analysis results customer and to compensate the bioinformatic data suppliers that supplied the subset of bioinformatic data for their supplying the subset of bioinformatic data that was analyzed to generate the bioinformatic data analysis results that were provided to the at least one bioinformatic data analysis results customer.

Neither of these claims appear to recite any "type of data storage for clearinghouse practice", as stated in the Official Action. Moreover, neither of these claims appear to recite "some type of organization and accessing with search capability from what may be a large database", as stated in the Official Action. Accordingly, the reasons provided for distinctness of the claimed inventions do not appear to be appropriate.

In view of the above, Applicant hereby elects the Group I claims with traverse, and respectfully submits that the Group II claims should be examined along with the Group I claims. Accordingly, Applicant respectfully requests examination and allowance of all of Claims 1-38 and 53-66.

Respectfully submitted,

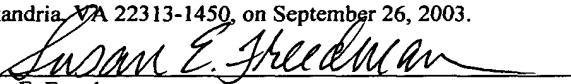


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